IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 11208 of 2003
with
SPECIAL CIVIL APPLICATION No 13896 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

GUJARAT STATE SELF - FINANCE P T C COLLEGE MANAGEMENT
Versus
STATE OF GUJARAT

Appearance:
1. Special Civil Application No. 11208 of 2003
MR HJ NANAVATI for Petitioner No. 1
MS SANGEETA VISHEN A.G.P. with MR KAMAL TRIVEDI ADDL. A.G. for Respondent No. 1-2

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 29/12/2004

ORAL JUDGEMENT

1. In view of the order dated 1st September, 2003

passed in Special Civil Application No. 11208 of 2003 more particularly in para 4 (d), the Court, has observed as under :-

"4 (d) The State Government shall take steps for constitution of aforesaid committee as per the decision of the Apex Court preferably within a period of one month from today.

5. It would be open to either party to move this Court for final hearing after the aforesaid committee has finalized the fee structures and hostel charges and fixed up the quota of Government and of managements in accordance with law."

1.2. Further in Special Civil Application No. 6790 of 2004, dated 5th July, 2004, this Court has observed as under :-

"Mr. Kamal Trivedi learned Addl. Advocate General appearing on behalf of the State, states that the declaration for quota for government and management seats shall be made latest by tomorrow i.e. 6-7-2004. Mr. Trivedi, voices apprehension that in view of the earlier order dated 1-9-2003 passed by this Court in SCA No. 11208 of 2003, it may be said that the Committee has to fix the quota and not the Government.

As such, the apprehension is ill-founded and even as per the decision of the Apex Court, the quota is to be declared by the State Government concerned and it is only in case of alteration of the quota, the institution concerned may approach to the committee and after giving opportunity of hearing to the State Government concerned, the Committee may alter the quota if the case is made out. So far as the official declaration of the quota is concerned, the same is to be made by the State Government concerned.

In view of the above, Mr. Joshi learned counsel for the petitioner does not press this petition at this stage. Disposed of as not pressed. Notice discharged."

2. Thus, in view of the aforesaid orders, the

management quota is fixed at 10%, and the prayer claimed by the petitioner in terms of para 4 (B) is granted. The prayers with regard to para 4 (C) & (D), it will be open for the petitioner to agitate before the competent authority for claiming higher quota of more than 10%.

3. With the above directions, the petition stands disposed of. Rule is made absolute to the aforesaid extent with no order as to costs.

[K.S. JHAVERI, J.]

/phalguni/